

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED
at _____ O'clock & _____ min _____ M

NOV 24 2014 

IN RE:

AMENDMENTS TO LOCAL RULES AND)
FORMS EFFECTIVE DECEMBER 1, 2014)
)

THERESE BUTHOD, CLERK
United States, Bankruptcy Court
Eastern District of Oklahoma
General Order No. 14-07

**ORDER REGARDING AMENDMENTS TO LOCAL RULES AND FORMS
EFFECTIVE DECEMBER 1, 2014**

On April 25, 2014, the Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which will take effect on December 1, 2014. As a result, the Bankruptcy Court for the Eastern District of Oklahoma has determined that amendments to the Local Rules of this Court are necessary to comply with the approved amendments of the Federal Rules of Bankruptcy Procedure and to correct Local Rules that are inconsistent with current procedures. The Local Rules hereby amended are attached hereto as Exhibit A. Attached hereto as Exhibit B is a redline version of these Amendments to Local Rules and Forms, which designates what changes are being made to existing Local Rules and Forms.

IT IS THEREFORE ORDERED that the amendments to this Court's Local Rules And Forms attached hereto as Exhibit A and incorporated by reference are hereby adopted.

IT IS FURTHER ORDERED that this General Order shall take effect **December 1, 2014**.

Dated this 24th day of November, 2014.



Tom R. Cornish
United States Bankruptcy Judge

**“EXHIBIT A” TO
GENERAL ORDER REGARDING AMENDMENTS TO LOCAL RULES AND FORMS
EFFECTIVE DECEMBER 1, 2014**

LOCAL RULE 1007-I-1. LISTS, SCHEDULES AND STATEMENTS

E. Creditor List.

2. The name and address of the Court, Judge, debtor, and debtor’s counsel, if any, shall not be listed on the Creditor List. The debtor’s ex-spouse, if a creditor, and all parties listed on Schedule H- Codebtors should be included on the list.

Local Rule 1009-1 AMENDMENTS TO PETITIONS, LISTS AND SCHEDULES AND STATEMENTS

E. Amendment to Creditor List, Matrix or Equity Security Holders List. If amendments to lists, schedules, or statements are made pursuant to Bankruptcy Rule 1009(a) or (b) reflecting a change or addition to the name or address of a creditor, or a change or addition to the name or address of an equity security holder, an amendment to the Creditor List or the Equity Security Holders List, as appropriate, shall be submitted in accordance with **Local Rule 1007-I [Interim] 1(D)**. If additions are made to the creditor list or equity security holders list, the debtor shall give notice to each additional creditor or equity security holder of the commencement of the case and all applicable bar dates and deadlines (i.e. 341 Meeting Notice) and file a Certificate of Mailing of such notice. In addition, if the Debtor is represented by an Attorney, the Attorney shall upload each new creditor to the CM/ECF database. See also **Local Rule 5005-1(E)**. Amended Creditor Lists and Equity Security Holders Lists are not permitted. If Chapter 11, see also **Local Rule 3002-1(F)**.

Local Rule 1014-1 TRANSFER OF CASES, RELATED CASES AND ADVERSARY PROCEEDINGS.

A. Related Cases and Adversary Proceedings. Unless provided for in the order, the transfer of a case shall not include the transfer of any related case unless substantively consolidated, but shall include the transfer of any adversary proceeding in the transferred case, and the transfer of an adversary proceeding shall ordinarily accompany the transfer of the main bankruptcy case, but not include the transfer of any related case or proceeding. The adversary case transfer should include the transfer of the main bankruptcy case. Any exceptions to this should be pursuant to a Court order.

B. When petitions involving the same or related debtors are filed in different courts the debtor shall notify the court at the time of filing.

Local Rule 2016-1 COMPENSATION OF PROFESSIONALS

D. Debtors’ attorneys seeking compensation or expenses that exceed the Court’s presumptive fee (see this Court’s General Orders) and all other attorneys seeking compensation or

expenses shall submit **Local Form 2016-1 (C)** "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney". The application shall:

1. include as an attachment a copy of the retainer agreement, if any;
2. include as an attachment a detailed description of the actual or estimated services or expenses for which compensation or reimbursement is sought, including time spent in preparing the fee application; and
3. include the amount of any payments previously made to the attorney(s).

E. Applications for Compensation and Reimbursement of Expenses filed pursuant to Bankruptcy Rule 2016, should comply with the notice of hearing requirements set forth in Local Rule 9013-1. The Notice of Hearing should contain the language set forth in Local Form 20E Notice of Application for Compensation Opportunity for Objection and Notice of Possible Hearing. All Applications for Compensation and Reimbursement of Expenses are subject to hearing after review by the court. If an order approving fees and expenses is not entered prior to the hearing, the applicant should attend the hearing and be prepared to present legal argument.

Local Rule 3015-1 CHAPTER 12 AND 13 - PLAN

A. Time for Filing. If a Chapter 13 plan is not filed with the petition, it shall be filed within fourteen (14) days after the order for relief. If a Chapter 12 plan is not filed with the petition, it shall be filed within ninety (90) days after the order for relief. Failure to timely file the plan shall result in dismissal of the case unless a motion to extend time is timely filed and granted by the Court.

B. Chapter 12 Plan. The Chapter 12 plan proposed by the DIP shall comply with the requirements of 11 U.S.C. § 1222. Plans must be filed within the time set forth in 11 U.S.C. § 1221 on **Local Form 3015-4**. This Court's Local Form may be modified to accommodate the individual DIP, but must comply with the requirements of 11 U.S.C. § 1222.

C. Chapter 13 Plan and Plan Summary; Service and Use of Local Form. If a Chapter 13 plan and plan summary are filed separately in the proper format on the same date as with the petition, if permissible by the Administrative Office of the U.S. Courts and/or Bankruptcy Rules, the Clerk shall transmit copies of the plan summary along with the notices required by Bankruptcy Rule 2002(a)(1) and (b) and any other notices required by the court's local procedures. Service of the Chapter 13 plan summary by the Clerk shall be governed by **Local Rule 2002-1(B)** or by General Order. If the Chapter 13 plan and plan summary are not filed on the same date as the petition or is are filed in an improper format, debtor or debtor's counsel shall transmit a copy of the plan summary to the debtor, the Chapter 13 trustee, the United States Trustee, all creditors, and parties in interest that have requested notice, and shall file a certificate of mailing thereof the date the plan summary is filed. The Clerk shall notice the debtor or debtor's counsel if the plan and/or summary is in an improper format. The debtor or debtor's counsel shall file a certificate of mailing within three (3) days of receipt of the notice. Chapter 13 plans and plan summaries shall substantially conform to Local Form 3015-1(B) and Local Form for the plan summary.

Local Rule 3015-2 AMENDMENTS TO CHAPTER 12 & 13 PLANS

Any "Amendment to" Chapter 12 or 13 plan or Modified plans, shall comply with **Local Form 3015-3(A)**, shall incorporate the terms of the original plan and shall state the material changes to treatment of claims. This document will supersede all prior versions unless otherwise authorized by the Court. A "Chapter 13 Plan Summary" shall be attached to all "Amendments to" plans. The amendment to the plan shall state the changes made and the creditors affected by the amendments with reference to the original plan. A separate pleading entitled "Withdrawal of Prior Plans" and/or "Withdrawal of Plan Summary", shall be filed withdrawing all previous plans, plan summaries, modified plans and/or Amendments thereto on file. The original Chapter 13 plan should not be withdrawn unless the original plan does not comply with **Local Form 3015-3(A)**. "Amendments to" plans, plan summaries and modified plans shall be filed and mailed to all adversely affected creditors, the United States Trustee and the Chapter 12 or 13 trustee seven (7) days prior to the confirmation hearing, along with a certificate of mailing with the named adversely affected creditors named in the certificate of mailing. The Chapter 12 or 13 trustee shall inform the Court at the confirmation hearing if the amendment adversely affects any creditor not noticed and if the Court needs to continue the confirmation hearing for cause, proper notice or the need for extended objection period.

Local Rule 3015-4 MODIFICATION OF THE CHAPTER 12 OR 13 PLAN

A. Modifications made to the Chapter 12 or 13 plan after confirmation pursuant to 11 U.S.C. §§1229 or 1329 shall incorporate the terms of the original plan and state the material changes to treatment of claims unless otherwise approved by the Court. The modified plan will incorporate the original plan, if approved. See **Local Form 3015-4(A)**. A Motion to Modify must be filed each time a Modified plan or amendment to a Modified plan is filed, stating the modifications being made in the Modified plan or amendment to a Modified plan. See **Local Form 3015-4(B)**. The provisions of **Local Rule 3015-2(A)** apply to amendments to modifications to plan. The debtor shall file **Local Form 3015-3(C)** (Pre-Confirmation Certification) within fourteen (14) days before the date set for confirmation for each modification to Chapter 12 or Chapter 13 plans.

B. When a Motion to Modify Plan is filed pursuant to 11 U.S.C. §§ 1229 or 1329, the moving party shall also file a Modified plan and a Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing. See Local Form 20C.

Local Rule 4001-1. AUTOMATIC STAY

I. Consent Motions for Relief from the Automatic Stay. A consent motion for relief from the automatic stay shall be styled as a "consent motion." Pursuant to Local Rule 9013-1, a consent motion for relief from the automatic stay need not be set for hearing and may be ruled upon without hearing. The Clerk of Court is authorized to waive the filing fee for a motion for relief from the automatic stay when the motion and proposed order are filed with the written consent and signature of the trustee and all respondents. Consent may be shown by separate certificate of consent or certificate of no opposition signed by the responding party but such consent or no opposition shall be filed as part of the consent motion. All consent motions for relief from stay shall be filed using

the proper consent motion event in the CM/ECF system to avoid automatic assessment of the filing fee. Consent motions for relief to proceed with a domestic action do not require the signature of the non-debtor spouse.

Local Rule 7004-2 SUMMONS

D. A summons and complaint should be served within seven (7) days after the summons is issued. If a summons is not timely served, the plaintiff should request that an alias summons be issued to be served in compliance with Bankruptcy Rule 7004 by docketing the event Request for Issuance of Alias Summons.

Local Rule 8001-1. NOTICE OF APPEAL

Abrogated.

Local Rule 8001-3 ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL

Abrogated.

Local Rule 8003-1. NOTICE OF APPEAL

A. All appeals are to the United States Bankruptcy Appellate Panel of the Tenth Circuit unless an election is made to the District Court under Bankruptcy Rule 8005.

B. An appeal is commenced to the District Court or Bankruptcy Appellate Panel by the timely filing of a notice of appeal on or should conform to Official Form B17 and appropriate filing fee set forth in 28 U.S.C. §1930. See Bankruptcy Rule 8003.

C. Appellant must attach to the notice of appeal a file stamped copy of the Bankruptcy Court order or judgment from which the appeal is taken. Every notice of appeal must be signed by counsel for the appellant or, if unrepresented by counsel, each appellant must sign personally.

Local Rule 8004-1. MOTION FOR LEAVE TO APPEAL

A. Fee Required. A motion for leave to appeal shall comply with Bankruptcy Rule 8004 and be accompanied by the prescribed filing fee set forth in 28 U.S.C. §1930.

B. No Designation Required Until Leave to Appeal Docketed. The filing deadlines set forth in Bankruptcy Rule 8009 shall not begin until the Appellate Court order granting the motion is docketed in the Bankruptcy Court. Within seven (7) days from the entry of the Appellate Court order granting a motion for leave to appeal, the appellant shall pay the prescribed appellate docketing fee

to the Clerk of the Bankruptcy Court.

Local Rule 8005-1 ELECTION TO HAVE AN APPEAL HEARD BY THE DISTRICT COURT INSTEAD OF THE BAP

If appellant elects to have the appeal heard in District Court pursuant to 28 U.S.C. §158(c)(1) that fact must be clearly marked on Official Form 17A, which must be used for filing the notice of appeal. Any other party electing to have the appeal heard in the District Court must serve and file Official Form 17B with the Clerk of the BAP clearly marking the election no later than thirty (30) days from service of the notice of appeal.

Local Rule 8006-1 DESIGNATION OF RECORD

Abrogated.

Local Rule 8007-1 MOTIONS FOR STAY

Motions for stay pending appeal should first be filed with the Bankruptcy Court to be presented to the Bankruptcy Judge for approval of a supersedeas bond, or other relief pending the appeal. Motions for stay that request relief from the Appellate Court must be filed directly with the Appellate Court once the appeal has been docketed with the Appellate Court. If a stay has been granted by the Appellate Court, it shall be incumbent upon the movant to immediately file a copy of the Appellate Court order with the Clerk of the Bankruptcy Court.

Local Rule 8009-1. DESIGNATION OF RECORD, STATEMENT OF ISSUES AND TRANSCRIPT

A. Designation of Record and Statement of the Issues to be presented if an election is made under Bankruptcy Rule 8005. The record for appeal shall be designated and prepared in accordance with Bankruptcy Rule 8009 within fourteen (14) days after filing the notice of appeal or cross appeal. Within fourteen (14) days after the service of the appellant's statement of issues, the appellee may file a designation of additional items to be included in the record on appeal. Additionally, the designation of record shall state the date of filing of each item designated and the document number for the designated item.

B. Exhibits must be on file or filed with the Clerk and designated with a docket entry number in the Designation of Record. Any portion of an exhibit or pleading being designated must be filed in order to be designated.

C. The clerk shall notify the Bankruptcy Judge if any party fails to take action necessary to enable the clerk to assemble and transmit the record.

D. Within fourteen (14) days after filing the notice of appeal, appellant must order from the Court Recorder Deputy, on this Court's Local Form 8007-1(A) for Transcript Orders, the portions of the transcript that will be needed on appeal that are not already on file. Fed.R.App.P.10(b).

If no transcript is needed, appellant must file a written statement to that effect with the Clerk of the Bankruptcy Court, which may be included in the Designation of Record. When appellant orders less than the entire transcript, appellant must file and serve on the appellee a description of the parts of the transcript that have been ordered and a statement of the issues that he or she intends to present on appeal. Appellee has twenty-one (21) days after service to file and counter-designate additional portions of the transcript and place an appropriate transcript order with the Court Recorder Deputy. All transcript orders must have sufficient payment provided in advance to the transcriber.

E. The reporter's endorsed request for a transcript extension of time pursuant to Bankruptcy Rule 8007(a) shall be filed with the Clerk.

F. If any party to an appeal from an order of the Bankruptcy Court to the District Court fails to timely designate the items to be included in the record on appeal, fails to make satisfactory arrangements for the production of a transcript or for the filing of the exhibits or of designated items for the Clerk, or otherwise fails to take action necessary to enable the Clerk to assemble and transmit the record, then:

1. Any other party to the appeal may file in the Bankruptcy Court a motion to dismiss the appeal, in which event the following procedure shall be followed:

a. Movant shall, within fourteen (14) days after filing the motion to dismiss the appeal, file with the Clerk and serve on other parties to the appeal a designation of record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);

b. Other parties to the appeal shall, within fourteen (14) days after service of the movant's designation under subsection (a) above, file and serve a designation of additional items to be included in the record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);

c. The parties shall make arrangements for delivery of or ordering copies, transcripts, and the like as prescribed in Bankruptcy Rules 8006 and 8007(a); and

d. When the record is complete for purposes of the motion to dismiss the appeal, the Clerk shall transmit a copy thereof forthwith to the Clerk of the District Court.

2. The Bankruptcy Court may, on its own motion or on request of any party to the appeal, direct the Clerk to transmit the record in its then-existing, incomplete form, together with a certification of the reasons why such record is incomplete, to the Clerk of the District Court.

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**“EXHIBIT B” TO
GENERAL ORDER REGARDING AMENDMENTS TO LOCAL RULES AND FORMS
EFFECTIVE DECEMBER 1, 2014**

LOCAL RULE 1007-I ~~[INTERIM]~~-1. LISTS, SCHEDULES AND STATEMENTS

E. Creditor List.

2. The name and address of the Court, Judge, debtor, and debtor’s counsel, if any, shall not be listed on the Creditor List. The debtor’s ex-spouse, if a creditor, and all parties listed on Schedule H- Codebtors should be included on the list.

Local Rule 1009-1 AMENDMENTS TO PETITIONS, LISTS AND SCHEDULES AND STATEMENTS

E. Amendment to Creditor List, Matrix or Equity Security Holders List. If amendments to lists, schedules, or statements are made pursuant to Bankruptcy Rule 1009(a) or (b) reflecting a change or addition to the name or address of a creditor, or a change or addition to the name or address of an equity security holder, an amendment to the Creditor List or the Equity Security Holders List, as appropriate, shall be submitted in accordance with **Local Rule 1007-I [Interim] 1(D)**. If additions are made to the creditor list or equity security holders list, the debtor shall give notice to each additional creditor or equity security holder of the commencement of the case and all applicable bar dates and deadlines (i.e. 341 Meeting Notice) and file a Certificate of Mailing of such notice. In addition, if the Debtor is represented by an Attorney, the Attorney shall upload each new creditor to the CM/ECF database. See also **Local Rule 5005-1(E)**. Amended Creditor Lists and Equity Security Holders Lists are not permitted. If Chapter 11, see also **Local Rule 3002-1(F)**.

Local Rule 1014-1 TRANSFER OF CASES, RELATED CASES AND ADVERSARY PROCEEDINGS.

A. Related Cases and Adversary Proceedings. Unless provided for in the order, the transfer of a case shall not include the transfer of any related case unless substantively consolidated, but shall include the transfer of any adversary proceeding in the transferred case, and the transfer of an adversary proceeding shall ordinarily accompany the transfer of the main bankruptcy case, but not include the transfer of any related case or proceeding. The adversary case transfer should include the transfer of the main bankruptcy case. Any exceptions to this should be pursuant to a Court order.

B. When petitions involving the same or related debtors are filed in different courts the debtor shall notify the court at the time of filing.

Local Rule 2016-1 COMPENSATION OF PROFESSIONALS

D. Debtors’ attorneys seeking compensation or expenses that exceed the Court’s presumptive fee (see this Court’s General Orders) and all other attorneys seeking compensation or expenses shall submit **Local Form 2016-1~~(D)~~ (C)** “Application for Compensation for Professional

Services or Reimbursement of Expenses by Attorney”. The application shall:

1. include as an attachment a copy of the retainer agreement, if any;
2. include as an attachment a detailed description of the actual or estimated services or expenses for which compensation or reimbursement is sought, including time spent in preparing the fee application; and
3. include the amount of any payments previously made to the attorney(s).

E. Applications for Compensation and Reimbursement of Expenses filed pursuant to Bankruptcy Rule 2016, should comply with the notice of hearing requirements set forth in Local Rule 9013-1. The Notice of Hearing should contain the language set forth in Local Form 20E Notice of Application Opportunity for Objection and Notice of Possible Hearing, ~~when the request for compensation is less than \$1000.00, or Local Form 20F when the request for compensation is more than \$1000.00.~~ All Applications for Compensation and Reimbursement of Expenses are subject to hearing after review by the court. If an order approving fees and expenses is not entered prior to the hearing, the applicant should attend the hearing and be prepared to present legal argument.

Local Rule 3015-1 CHAPTER 12 AND 13 - PLAN

A. **Time for Filing.** If a Chapter ~~12 or~~ 13 plan is not filed with the petition, it shall be filed within fourteen (14) days ~~of the filing of the petition~~ after the order for relief. If a Chapter 12 plan is not filed with the petition, it shall be filed within ninety (90) days after the order for relief. Failure to timely file the plan shall result in dismissal of the case unless a motion to extend time is timely filed and granted by the Court.

B. **Chapter 12 Plan.** The Chapter 12 plan proposed by the DIP shall comply with the requirements of 11 U.S.C. § 1222. Plans must be filed within the time set forth in 11 U.S.C. § 1221 on **Local Form 3015-4**. This Court’s Local Form may be modified to accommodate the individual DIP, but must comply with the requirements of 11 U.S.C. § 1222.

C. **Chapter 13 Plan and Plan Summary; Service and Use of Local Form.** If a Chapter 13 plan and plan summary is are filed separately in the proper format on the same date as with the petition, if permissible by the Administrative Office of the U.S. Courts and/or Bankruptcy Rules, the Clerk shall transmit copies of the plan summary along with the notices required by Bankruptcy Rule 2002(a)(1) and (b) and any other notices required by the court’s local procedures. Service of the Chapter 13 plan summary by the Clerk shall be governed by **Local Rule 2002-1(B)** or by General Order. If the Chapter 13 plan and plan summary is are not filed on the same date as with the petition or is are filed in an improper format, debtor or debtor’s counsel shall transmit a copy of the plan summary to the debtor, the Chapter 13 trustee, the United States Trustee, all creditors, and parties in interest that have requested notice, and shall file a certificate of mailing thereof the date the plan summary is filed. The Clerk shall notice the debtor or debtor’s counsel if the plan and/or summary is in an improper format. The debtor or debtor’s counsel shall file a certificate of mailing within three (3) days of receipt of the notice. Chapter 13 plans and plan summaries shall substantially conform to Local Form 3015-1(B) and Local Form for the plan

summary.

Local Rule 3015-2 AMENDMENTS TO CHAPTER 12 & 13 PLANS

Any "Amendment to" Chapter 12 or 13 plan or Modified plans, shall comply with Local Form 3015-3(A), shall incorporate the terms of the original plan and shall state the material changes to treatment of claims. This document will and supersede all prior versions unless otherwise authorized by the Court. A pleading entitled "Chapter 13 Plan Summary of Amendments" shall be included in attached to all "Amendments to" plans. The summary amendment to the plan shall state the changes made and the creditors affected by the amendments with reference to the original plan. A separate pleading entitled "Withdrawal of Prior Plans" and/or "Withdrawal of Plan Summary", shall be filed withdrawing all previous plans, plan summaries, modified plans and/or Amendments to thereto on file modified plans filed. The original Chapter 13 plan should not be withdrawn unless the original plan does not comply with Local Form 3015-3(A). "Amendments to" plans, plan summaries and modified plans shall be filed and mailed to all adversely affected creditors, the United States Trustee and the Chapter 12 or 13 trustee seven (7) days prior to the confirmation hearing, along with a certificate of mailing with the named adversely affected creditors named in the certificate of mailing. The Chapter 12 or 13 trustee shall inform the Court at the confirmation hearing if the amendment adversely affects any creditor not noticed and if the Court needs to continue the confirmation hearing for cause, or proper notice or the need for extended objection period.

Local Rule 3015-4 MODIFICATION OF THE CHAPTER 12 OR 13 PLAN

A. Modifications made to the Chapter 12 or 13 plan after confirmation pursuant to 11 U.S.C. §§ 1229 or 1329 shall incorporate the terms of the original plan and state the material changes to treatment of claims unless otherwise approved by the Court. The modified plan will incorporate the original plan, if approved. See **Local Form ~~3015-3(A)~~ 3015-4(A)**. A Motion to Modify must be filed each time a Modified plan or amendment to a Modified plan is filed, stating the modifications being made in the Modified plan or amendment to a Modified plan. See **Local Form ~~3015-3(B)~~ 3015-4(B)**. The provisions of **Local Rule 3015-2(A)** apply to amendments to modifications to plan. The debtor shall file **Local Form 3015-3(C) (Pre-Confirmation Certification)** within fourteen (14) days before the date set for confirmation for all each modifications to Chapter 12 or Chapter 13 plans.

B. When a Motion to Modify Plan is filed pursuant to 11 U.S.C. §§ 1229 or 1329, the moving party shall also file a Modified plan and a Notice of Motion, Notice of Deadline to File Objection and Notice of Hearing. See Local Form 20C.

Local Rule 4001-1. AUTOMATIC STAY

I. **Consent Motions for Relief from the Automatic Stay.** A consent motion for relief from the automatic stay shall be styled as a "consent motion." Pursuant to Local Rule 9013-1, a consent motion for relief from the automatic stay need not be set for hearing and may be ruled upon without hearing. The Clerk of Court is authorized to waive the filing fee for a motion for relief from the automatic stay when the motion and proposed order are filed with the written consent and signature of the trustee and all respondents. Consent may be shown by separate certificate of consent

or certificate of no opposition signed by the responding party but such consent or no opposition shall be filed as part of the consent motion. ~~In a Chapter 7 case, the trustee's Report of No Distribution shall be deemed the trustee's consent to any motion for relief from the automatic stay, and the trustee's signature will not be required on the consent motion where such a report has been filed.~~ All consent motions for relief from stay shall be filed using the proper consent motion event in the CM/ECF system to avoid automatic assessment of the filing fee. Consent motions for relief to proceed with a domestic action do not require the signature of the non-debtor spouse.

Local Rule 7004-2 SUMMONS

D. A summons and complaint should be served within ~~fourteen (14)~~ seven (7) days after the summons is issued. If a summons is not timely served, the plaintiff should request that an alias summons be issued to be served in compliance with Bankruptcy Rule 7004 by docketing the event Request for Issuance of Alias Summons.

Local Rule 8001-1. NOTICE OF APPEAL

Abrogated.

Local Rule 8001-3 ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL

Abrogated.

Local Rule 8003-1. NOTICE OF APPEAL

A. All appeals are to the United States Bankruptcy Appellate Panel of the Tenth Circuit unless an election is made to the District Court under Bankruptcy Rule 8005.

B. An appeal is commenced to the District Court or Bankruptcy Appellate Panel by the timely filing of a notice of appeal on or should conform to Official Form B17 and appropriate filing fee set forth in 28 U.S.C. §1930. See Bankruptcy Rule 8003.

C. Appellant must attach to the notice of appeal a file stamped copy of the Bankruptcy Court order or judgment from which the appeal is taken. Every notice of appeal must be signed by counsel for the appellant or, if unrepresented by counsel, each appellant must sign personally.

Local Rule ~~8003-1~~ 8004-1. MOTION FOR LEAVE TO APPEAL

A. **Fee Required.** A motion for leave to appeal shall comply with Bankruptcy Rule 8004 and be accompanied by the prescribed filing fee set forth in 28 U.S.C. §1930.

B. No Designation Required Until Leave to Appeal Docketed. The filing deadlines set forth in Bankruptcy Rule ~~8006~~ 8009 shall not begin until the Appellate Court order granting the motion is docketed in the Bankruptcy Court. Within seven (7) days from the entry of the Appellate Court order granting a motion for leave to appeal, the appellant shall pay the prescribed appellate docketing fee to the Clerk of the Bankruptcy Court.

Local Rule 8005-1 MOTIONS FOR STAY ELECTION TO HAVE AN APPEAL HEARD BY THE DISTRICT COURT INSTEAD OF THE BAP

~~Motions for stay pending appeal should first be filed with the Bankruptcy Court to be presented to the Bankruptcy Judge for approval of a supersedeas bond, or other relief pending the appeal. Motions for stay that request relief from the Appellate Court must be filed directly with the Appellate Court once the appeal has been docketed with the Appellate Court. If a stay has been granted by the Appellate Court, it shall be incumbent upon the movant to immediately file a copy of the Appellate Court order with the Clerk of the Bankruptcy Court.~~

If appellant elects to have the appeal heard in District Court pursuant to 28 U.S.C. §158(c)(1) that fact must be stated clearly marked in on a separate pleading Official Form 17A, which must be used for filing ~~filed~~ with the notice of appeal. Any other party electing to have the appeal heard in the District Court must serve and file Official Form 17B with the Clerk of the BAP ~~a separate pleading~~ clearly stating marking the election no later than thirty (30) days from service of the notice of appeal.

Local Rule 8006-1 DESIGNATION OF RECORD

Abrogated.

Local Rule ~~8005-1~~. 8007-1 MOTIONS FOR STAY

Motions for stay pending appeal should first be filed with the Bankruptcy Court to be presented to the Bankruptcy Judge for approval of a supersedeas bond, or other relief pending the appeal. Motions for stay that request relief from the Appellate Court must be filed directly with the Appellate Court once the appeal has been docketed with the Appellate Court. If a stay has been granted by the Appellate Court, it shall be incumbent upon the movant to immediately file a copy of the Appellate Court order with the Clerk of the Bankruptcy Court.

Local Rule ~~8006-1~~. 8009-1. DESIGNATION OF RECORD, STATEMENT OF ISSUES AND TRANSCRIPT

A. Designation of Record and Statement of the Issues to be presented if an election is made under Bankruptcy Rule 8005. The record for appeal shall be designated and prepared in accordance with Bankruptcy Rule 8009 within fourteen (14) days after filing the notice of appeal or cross appeal. Within fourteen (14) days after the service of the appellant's statement of issues, the appellee may file a designation of additional items to be included in the record on appeal. Additionally, the designation of record shall state the date of filing of each item designated and the document number for the designated item.

B. Exhibits must be on file or filed with the Clerk and designated with a docket entry number in the Designation of Record. Any portion of an exhibit or pleading being designated must be filed in order to be designated.

C. The clerk shall notify the Bankruptcy Judge if any party fails to take action necessary to enable the clerk to assemble and transmit the record.

D. Within fourteen (14) days after filing the notice of appeal, appellant must order from the Court Recorder Deputy, on this Court's Local Form 8007-1(A) for Transcript Orders, the portions of the transcript that will be needed on appeal that are not already on file. Fed.R.App.P.10(b). If no transcript is needed, appellant must file a written statement to that effect with the Clerk of the Bankruptcy Court, which may be included in the Designation of Record. When appellant orders less than the entire transcript, appellant must file and serve on the appellee a description of the parts of the transcript that have been ordered and a statement of the issues that he or she intends to present on appeal. Appellee has twenty-one (21) days after service to file and counter-designate additional portions of the transcript and place an appropriate transcript order with the Court Recorder Deputy. All transcript orders must have sufficient payment provided in advance to the transcriber.

E. The reporter's endorsed request for a transcript extension of time pursuant to Bankruptcy Rule 8007(a) shall be filed with the Clerk.

F. If any party to an appeal from an order of the Bankruptcy Court to the District Court fails to timely designate the items to be included in the record on appeal, fails to make satisfactory arrangements for the production of a transcript or for the filing of the exhibits or of designated items for the Clerk, or otherwise fails to take action necessary to enable the Clerk to assemble and transmit the record, then:

1. Any other party to the appeal may file in the Bankruptcy Court a motion to dismiss the appeal, in which event the following procedure shall be followed:

a. Movant shall, within fourteen (14) days after filing the motion to dismiss the appeal, file with the Clerk and serve on other parties to the appeal a designation of record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);

b. Other parties to the appeal shall, within fourteen (14) days after service of the movant's designation under subsection (a) above, file and serve a designation of additional items to be included in the record for purposes of hearing the motion to dismiss, pursuant to Bankruptcy Rule 8007(c);

c. The parties shall make arrangements for delivery of or ordering copies, transcripts, and the like as prescribed in Bankruptcy Rules 8006 and 8007(a); and

d. When the record is complete for purposes of the motion to dismiss the appeal, the Clerk shall transmit a copy thereof forthwith to the Clerk of the District Court.

2. The Bankruptcy Court may, on its own motion or on request of any party to the appeal, direct the Clerk to transmit the record in its then-existing, incomplete form, together with a certification of the reasons why such record is incomplete, to the Clerk of the District Court

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